

# Committee Corner

## News from ALPA's Committees

### Pilots and First Responders Tackle Security Threats in International Aviation Security Academy

This year, for the first day of the ALPA National Security Committee's annual 3-day International Aviation Security Academy (IASA), the Committee decided to try something new—scenario-based training.

The idea was to bring together a panel of folks with tremendous street cred from various local and federal agencies—the FAA, the FBI, the Federal Air Marshal Service, airport police and firefighters—plus a major airline's corporate security ops center. Put them in a hotel meeting room with airline pilots—LEC and MEC security coordinators—and run through four hypothetical scenarios: a disruptive passenger in flight, a mysterious hazardous cargo leak on a freighter, an improvised explosive device on a passenger flight, and an inflight hijacking.

The idea was to keep it real. Send both sides home with a better understanding of the operational capabilities, needs, and limitations of the folks on the other side of the cockpit door, the other end of the telephone patch, the other side of the fire truck windshield. Not abstract stuff, real pragmatic stuff.

By the time the day was over, the sober faces and tense body language confirmed that everyone in the room had picked up a lot to think about—and that aviation security is not work for the faint of heart.

For reasons of security, many of the details of the dialogue that always makes the IASA relevant and rewarding cannot be shared here. Nor can the presentations and discussions regarding procedures for dealing with bombs aboard aircraft, ways to deal with suspected or confirmed chemical or biological attacks, and other sensitive security-related subjects.

One of the other subtexts of this year's IASA was this: Along with improvised explosive devices, shoulder-mounted missiles, chemical-biological threats, and the slight but real risk of suicidal hijackings, today's aviation security agenda still includes passenger rage and more prosaic legal issues.

Highlights from presentations on those subjects follow.

#### Passenger rage

Disruptive passengers, or "dips," as Capt. Steve Luckey (Northwest, Ret.), special security advisor to ALPA, likes to call them, are still with us—argumentative, verbally abusive, physically abusive, sometimes violent. They include sex offenders, spouse abusers, and abusers of alcohol and controlled substances.

"Prevention is 10 times as effective and a thousand times cheaper than the cure," Capt. Luckey argued. "Effective education, crew training, and law enforcement officer (LEO) training are the keys to prevention. Punishing the offender is a deterrent, but prevention is the ultimate goal."

Capt. Luckey credited martial artist and confrontation management expert Tony Blauer with developing the model in which, in an interpersonal confrontation, four basic personality types can be seen:

The "won't fight" type, said Capt. Luckey, will not commit to a physical confrontation. The confrontation can be settled verbally with the proper communications skills.

The "can fight" personality, he continued, includes most able-bodied adults; they can hurt you if provoked badly enough. They also can accept reason and settle the confrontation verbally.

The "will fight" type, however, is the proverbial hot-head with a short temper and an aggressive behavior prob-



An impressive panel of federal and law enforcement officers joined ALPA pilots to talk over the nitty-gritty of first response to security events.



**IASA attendees brought diverse perspectives, including those of F/O Bruce Brielmaier (ASTAR), President's Committee for Cargo, and active NORAD interceptor pilot, Lt. Col. Bob "Gigs" Hehemann (United, Furl.), in flight suit.**

lem; he may start a physical confrontation. This personal-ity category includes some professional athletes and hard-driving, successful businessmen who have "entitlement problems," as Capt. Luckey put it.

"They can still be convinced to walk away," he advised. "You can still settle the confrontation verbally, but doing so requires good confrontational management skills."

Most dangerous of the four is the "wants to fight" type—someone who is committed to fighting someone, anyone. This irrational individual is very dangerous and must be handled carefully, because a crew member or LEO cannot avoid a physical or very traumatic verbal confrontation with him.

All flight and cabin crewmembers also must be aware at all times that, in the current aviation security environment, any disruptive passenger incident could be an intentional ploy intended to "draw out" resources or to open the cockpit door.

Capt. Luckey asserted, "We need to see or spot the 'wants to fight' type in the waiting area or sometime before the airplane takes off. It's imperative that airport, airline, and law enforcement personnel recognize and stop these people, if at all possible, before they get on the airplane."

### **Captain's authority and security**

Jim Johnson, supervising attorney in ALPA's Legal Department, talked about captain's authority in security matters.

The legal basis for captain's authority, embodied in the familiar canon of FAR Part 91.3 ("The pilot in command of an aircraft is directly responsible for and is the final authority as to the operation of that aircraft") stems from centuries-old law of the sea. Captain's authority has always had two fundamental aspects: the captain is the final authority aboard the aircraft, but also is accountable for his or her decisions.

Federal law also states, "Subject to regulations of the Under Secretary [of Transportation], an air carrier, intri-

astate air carrier, or foreign air carrier may refuse to transport a passenger or property the carrier decides is or might be inimical to safety."

So comes the question: Can a U.S. airline captain exclude a Federal Flight Deck Officer from the cockpit, on the grounds that the presence of a firearm presents an unsafe situation, and/or the captain fears firearms?

The answer again is found in federal law: "No carrier shall prohibit [an FFDO] from piloting an aircraft operated by the air carrier." In fact, Johnson emphasized, pilots have been disciplined for refusing to fly with an FFDO.

The captain *can* exclude an FFDO from the cockpit, Johnson pointed out, under the same limited circum-

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stances under which he or she may exclude an FAA inspector, a Federal Air Marshal, or non-FFDO pilot—for abnormal behavior, including suspicion that the person is under the influence of alcohol or drugs. The reason may not be arbitrary.

Similarly, the captain may require that a passenger be removed from a flight, but the decision to do so must be reasonable. For example, Johnson said, you cannot remove a passenger based solely on that passenger's race or religion.

On the other hand, he cited a case in which a captain removed Saudi passengers from a flight and had their baggage checked. The passengers had disobeyed flight attendant instructions, changed seats without permission, and appeared anxious when they asked questions about the flight. They also walked toward the cockpit and touched the cockpit door.

In that case, Johnson explained, the court said that the pilot was not required to conduct an investigation, and that he could rely on information provided by the rest of his crew.

The test for determining reasonableness, he continued, is that the decision must be based on

- information available at the moment of decision,
- the time constraints under which the decision is made, and
- the general security climate.

The general rule, Johnson summed up, is that if one or more passengers are acting unruly or strange, they can be removed, and the courts will not "apply hindsight." 🌐